Patent Attorney Docket No. 47508.250

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	Application of:)
	KILKUSKIE et al.	
Serial	No.: 08/887,505) Group Art Unit: 1655
Filed:	02 July 1997) Examiner: J. Taylor-Cleveland
For:	OLIGONUCLEOTIDES SPECIFIC FOR HEPATITIS C VIRUS)))
****	***************************************	**************************************
	CERTIFICATE OF FACSMI	LE TRANSMISSION UNDER 37 CFR § 1.8(b)
	•	e is being sent via facsimile to: Assistant Commissioner facsimile number 703-872-9306 on the date indicated
below	•	lacsimile number 703-872-9306 on the date indicated
Date:_	Nov. 15, 2001	By: Lenns h Ma Su Kenneth Maben
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Assistant Commissioner for Patents Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Submitted herewith as Exhibit A is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application, which was mailed 31 August 2001. The CPA filing date is incorrect. Please correct the CPA filing date to read 13 December 2000. A copy of the return postcard showing the 13 December 2000 receipt date by the U.S.

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WASHINGTON 155184v1

U.S. Serial No. 08/887,505

Patent and Trademark Office, as well as the as-filed documents sent by Express Mail, is submitted herewith as Exhibit B.

It is requested that a corrected filing receipt be issued.

Since the error was made by the U.S. Patent and Trademark Office, it is believed that no fee is required with regard to this Request. However, if there are any other fees due in connection with the filing of the Request, please charge the fees to Deposit Account 08-0219. Also, please charge any fees underpaid or credit any fees overpaid to the same Deposit Account.

Respectfully submitted,

Ann-Louise Kerner, Ph.D. Attorney for Applicant

Reg. No.: 33,523

HALE AND DORR LLI

Boston, MA 02109 Tel: (617) 526-6000 Fax: (617) 526-5000

60 State Street

U.S. Serial No. 08/887,505

EXHIBIT A

Page 1 of 3



United States Patent and Trademark Office

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
VASHINOON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS	
08/887,505	07/02/1997	1655	3381	HYZ-040CIP	11	23	· 1	

CONFIRMATION NO. 1117
CORRECTED FILING RECEIPT

Ö

HALE AND DORR 60 STATE STREET BOSTON, MA 02109

Date Mailed: 08/31/2001

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

ROBERT L. KILKUSKIE, SHREWSBURY, MA; BRUCE L. FRANK, MARLBOROUGH, MA; JOHN GOODCHILD, WESTBOROUGH, MA; JIA L. WOLFE, SOMERVILLE, MA; PETER C. ROBERTS, HOLLISTON, MA; HENRY A. HAMLIN JR., HOLLAND, MA; NOEL A. ROBERTS, HARPENDEN, UNITED KINGDOM; DEBRA M. WALTHER, WORCESTER, MA;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/471,968 05/05/1995 ABN AND CLAIMS BENEFIT OF 60/021,104 07/02/1996

Foreign Applications

If Required, Foreign Filing License Granted 09/23/1997

CPA filed on: 04/16/2001

Projected Publication Date: 12/13/2001

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

HALE & DORR DOCKETING RE: 17508.250 (US)

Action Date:

Action to be Talgen

Docketed by: (1/1)

On: 9/7/01

P.06/21

Page 2 of 3

Title

OLIGONUCLEOTIDES SPECIIFIC FOR HEPATITIS C VIRUS

Preliminary Class

435

Data entry by : LEE, LINA

Team : OIPE

Date: 08/31/2001

Page 3 of 3

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application.
 They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the
 title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the
 Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt
 along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

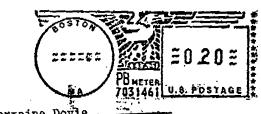
Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231

U.S. Serial No. 08/887,505

EXHIBIT B

Title: Oligonucleotides Specific For Hepatitis C Virus Semal/Patent No. 08/887,505 Applicant Kilkuskie
In the above matter, the following have been received by the US Patent and Trademerk Office on the date stamped hereon.
Express Mail Label No. EL521665490US Application incl
other: other: Mailing Date: 12/13/00 Docket No. HYZ-040CIP Atty/paralegal/secy: SLK/THK



ATTN: Lorraine Dovie HALE AND DORR LLP

60 STATE STREET BOSTON, MA 02109-1803

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Exhibit B Page 2 of 13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Kilkuskie

GROUP:

1656

SERIAL NO .:

08/887,505

HYZ-040CIP

EXAMINER:

Taylor, J

DOCKET NO .: FILING DATE:

July 2, 1997

Oligonucleotides Specific For Hepatitis C Virus

BOX CPA

TITLE

Commissioner for Patents Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 CFR 1.110 on December 13, 2000 and is addressed to: BOX CPA, Commissioner for Patents, Washington, D.C. 20231

EL521665490US

"Express Mail Label No."

TRANSMITTAL LETTER

Dear Sir:

Enclosed herewith for filing in the above referenced patent application are the following documents:

- 1. Filing of Continued Prosecution Application Under 37 C.F.R. §1.53(d);
- 2. Certificate of Express Mailing; and
- 3. Return Postcard.

Exhibit B Page 3 of 13

Page 2

This patent application is being submitted under 37 C.F.R. §1.53(d) and 35 U.S.C. §111, without the filing fee. Please be advised that the United States Patent and Trademark Office is not authorized to charge the filing fee to our Deposit Account.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,
HALE AND DORR LLP

Ann-Louise Kerner, Ph.D. Registration No. 33,523 Attorney for Applicants

December 13, 2000 60 State Street Boston, MA 02109 (617) 526-6000 (617) 526-5000 (fax)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Kilkuskie

GROUP:

1656

SERIAL NO.:

08/887,505

DOCKET NO .:

HYZ-040CIP

EXAMINER:

Taylor, J

FILING DATE:

July 2, 1997

TITLE

Oligonucleotides Specific For Hepatitis C Virus

BOX CPA

Commissioner for Patents Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 CFR 1.110 on December 13, 2000 and is addressed to: BOX CPA, Commissioner for Patents, Washington, D.C. 20231

EL521665490US

"Express Mail Label No."

FILING OF CONTINUED PROSECUTION APPLICATION UNDER37 C.F.R. §1.53(d)

Sir:

This is a request for filing of a Continued Prosecution Application under 37 C.F.R. §1.53(d) for U.S. Serial No. 08/887,505, filed on July 2, 1997 and entitled, "Oligonucleotides Specific For For Hetipatitis C Virus" in which no payment of issue fee, abandonment of, or termination of proceedings has occurred. The inventors, Robert E. Kilkuskie, Bruce L. Frank, John Goodchild, Jia L. Wolfe, Peter C. Roberts, Henry A. Hamlin, Jr., Noel A. Roberts and Debra M. Walther, remain the same. No inventors are to be added or deleted in the CPA application.

A Small Entity Statement was previously filed and such status is still proper and desired.

Exhibit B Page 5 of 13

Page 2

Respectfully submitted,

HALE AND DORR LLP

Ann-Louise Kerner, Ph.D.

Registration No. 33,523 Attorney for Applicants

December 13, 2000 60 State Street Boston, MA 02109 (617) 526-6000 (617) 526-5000 (fax)

Exhibit B Page 6 of 13

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Received from < 617 526 5000 > at 11/15/01 11:32:53 AM [Eastern Standard Time] 1-800-222-1811 www.usps.gov

Page 7 of 13

Title: Oligonucleorides Specific For Serial/Patent No. 08/887,505 In the above matter, the following have been received by	Applicant Kilkuskie
date stamped hereon. Express Mail Label No. EL521665490US Application incl pages (Design) pp. of specification pp. of claims (# of claims) pp. of abstract sheets of drawings; Figs formal	☐ Certificate of Mailing under 37 CFR 1.8(a) ☐ Response to Office Action/Restriction Req. ☐ Petition for month extension of time ☐ Assignment and Cover Sheet ☐ Amendment (☐ Preliminary; ☐ After Final) ☐ Notice of Appeal ☐ Appellant's Brief (triplicate) (☐ Reply Brief) ☐ Letter to Chief Draftsperson ☐ Issue Fee /☐ Maintenance Fee Transmittal ☐ Sequence listing; ☐ Diskette ☐ Transmittal Letter ☐ Check for \$; check # ☐ Deposit Account Authorization \$

P.16/21

Exhibit B



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, DC 20231

١	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTO	DR	ATTORNEY DUCKET NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Exhibit B Page 9 of 13



TATES DEPARTMENT OF COMMERCE UNITED " Patent a. Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER FILING/RECEPT DATE FIRST NAMED APPLICANT

ATTY, DOCKET NOJTITLE

DATE MAILED:

NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA)

Filing Date Granted is entitled to a filing date under The Continued Prosecution Application (CPA) request filed on 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filling a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below. ☐ 1. The statutory basic filing fee is: missing. ☐ insufficient. (a) Applicant must submit \$\frac{355.00}{355.00}\$ to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$\frac{355.00}{355.00}\$ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming (a) Applicant must submit \$ 355.00 such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)). to complete the basic filing fee as a small entity and the \$65.00 (b) Applicant must submit \$ surcharge set forth in 37 CFR 1.16(e). 2. Additional claim fees of independent daims over 3. (small entity) for (non-small entity) or \$ (small entity) for daims over 20. (non-small entity) or \$ (small entity) for multiple dependent dalm surcharge. (non-small entity) or \$_ Applicant must either submit the additional claim fees or cancel additional claims for which fees are due. 3. A \$50,00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)). 1. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request. 5. Other: A copy of this Notice <u>MUST</u> be returned with the reply.

Direct the reply and any questions about this Notice to:

Examining Group

(703) 30 5

FORM PTO-2016 (Rev. 12/97)

PART 1 - ATTORNEY/APPLICANT COPY

Country Application

Monday, March 12, 2001

Client-Matter: 47508.250 (US)

Country: US

SubCase: B

Client: Hybridon, Inc.

United States of America

Case Type: ORD

Application Status: Pending

Application Number: 08/887505

Filing Date: 02-Jul-1997

Patent Number:

Issue Date:

Publication Number:

Publication Date:

Priority Number: 60/021104

Priority Date: 02-Jul-1996

Tax Schedule:

Expiration Date:

Tax Start Date:

Agent:

Agent Reference No.:

Client Reference No.:

Attorneys: SLK

KERNER, Shann L.

Paralegal: TK

Other Ref. No.: HYZ-040 CIP / 188.

SubStatus: PENDING

Small Entity:

Inventors: FRANK, BRUCE L.

GOODCHILD, JOHN HAMLIN, JR. HENRY A. KILKUSKIE, ROBERT E. ROBERTS, NOEL A. ROBERTS, PETER C.

WALTHER, DEBRA M.

WOLFE, JIA L.

List Of Actions

Due Date		Action Taken
02-Oct-1997	Due Date	
09-Jun-1999	Due Date	09-Jun-1999
09-Jun-1999	Duc Date	09-Jun-1999
07-Apr-2000	Due Date	07-Apr-2000
16-Sep-2000	Due Date	01-Aug-2000
01-Nov-2000	Due Date	13-Dec-2000
01-Nov-2000	Due Date	13-Oct-2000
13-Feb-2001	Reminder	
22-Feb-2001	Due Date	
22-Mar-2001	Due Date	
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Exhibit B Page 11 of 13

intry Application		Monday, March 12, 200
OA (Missng Parts) 2nd Exten	22-Apr-2001	Due Date
Response Due	05-May-2001	Due Date
OA (Missing Parts) 3rd Exten	22-May-2001	Due Datc
1st Extension	05 - Jun-2001	Reminder
OA (Missing Parts) 4th Exten	22-Jun-2001	Due Date
2nd Extension	05-Jul-2001	Reminder
OA (Missg Prts) 5th Ext/BAR	22-Jul-2001	Final
3rd Extension	05-Aug-2001	Reminder
4th Extension	05-Sep-2001	Reminder
Final Deadline	05-Oct-2001	Final

Title:

OLIGONUCLEOTIDES SPECIFIC FOR HEPTATIS C VIRUS

User ID: lorrd

Date Created: 11-Sep-2000

Last Update: 09-Jan-2001



Exhibit B Page 12 of 13

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, DC 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Exhibit B

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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FILINGARECEIPT DATE APPLICATION NUMBER

ATTY, DOCKET NO 7000 P

DATE MAILED: NOTICE TO FILE MISSING PARTS OF APPLICATION (CPA) Filing Date Granted The Continued Prosecution Application (CPA) request filed on is entitled to a filing date under 37 CFR 1.53(d)(1). The CPA request, however, lacks the filing fee(s) and/or items indicated below. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the fee(s), item(s), and any surcharge required below to avoid abandonment of this CPA. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). The total amount owed by applicant is the sum of items 1(a) or (b), 2, and 3 (if checked) below. ☐ 1. The statutory basic filing fee is: missing. ☐ insufficient (a) Applicant must submit \$\frac{255.00}{255.00}\to complete the basic filing fee and the \$130.00 surcharge set forth in 37 CFR 1.16(e) (non-small entity), or \$\frac{355.00}{355.00}\to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e) and file a small entity statement under 37 CFR 1.27 claiming (a) Applicant must submit \$ 355.00 such status (if the prior application was entitled to small entity status and such status is still proper and desired, a new small entity statement is not required (37 CFR 1.28)). (b) Applicant must submit \$ to complete the basic filing fee as a small entity and the \$65.00 surcharge set forth in 37 CFR 1.16(e). 2. Additional claim fees of (non-small entity) or \$ independent claims over 3: (small entity) for (non-small entity) or \$ (small entity) for (small entity) for multiple dependent claim surcharge. (non-small entity) or \$ Applicant must either submit the edditional claim fees or cancel additional claims for which fees ere due. 3. A \$50,00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)). 4. The CPA request is unsigned. Applicant must file a signed duplicate or ratification of the CPA request. 5. Other: A copy of this Notice MUST be returned with the reply. Direct the repty and any questions about this Notice to: Examining Group (703) 30<u>5</u> - 752

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U.S. Patent Application No. 08/887,505 filed July 2, 1997 Title: OLIGONUCLEOTIDES SPECIFIC FOR HEPATITIS C VIRUS Ra:

Inventor: Kilkuski et al.

Examiner: J. Taylor-Cleveland - Group Art Unit: 1655

Attorney Docket No.:47508.250

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Document	<u>Pqs.</u>
Request for Corrected Filing Receipt	2
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Exhibit B	14

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